

AMENDMENTS TO THE DRAWINGS

Attached hereto is one (1) sheet of corrected drawings that complied with the provisions of 37 C.F.R. § 1.84. The corrected formal drawing incorporates the following changes. In Figure 7, reference to the magnet 42 is corrected and reference to the yoke 92 is added. No new matter is presented.

Applicants respectfully request that the corrected formal drawings be approved and make a part of the record of the above-identified application.

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-11 were pending prior to the Office Action. In this Reply, claims 12-35 are added. Therefore, claims 1-35 are pending. Claims 1, 14 and 23 are independent.

SCOPE OF CLAIMS NOT ALTERED

Claims are amended in this Reply merely to address informal issues. It is intended that the scope of the amended claims are not narrowed by the amendments.

INFORMATION DISCLOSURE STATEMENT ACKNOWLEDGMENT

Applicants thank the Examiner for the acknowledgment of the Information Disclosure Statement submitted on March 28, 2005 and providing an initialed copy of the form PTO-1449 thereof.

§ 102 REJECTION – FUJISAWA

Claims 1-2, 6-9, and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fujisawa (USP 5,523,891). *See Office Action, item 4.* Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P.*

MKM/HNS/vd

706.02. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Fujisawa fails to teach or suggest each and every claim element. For example, independent claim 1 recites, in part “a magnet mounted on said lens holder.” Contrary to the Examiner’s allegation, this feature is not disclosed in Fujisawa.

More specifically, as illustrated in Figure 3 of Fujisawa, it is clearly shown the magnet 7 is mounted on the yoke member 8, and not on the lens holder 3. Indeed, the lens holder 3 includes a coil-mounting through-hole 36 that allows the magnet 7 attached to the yoke piece 84 of the yoke member 8 to traverse the lens holder 3. *See col.8, lines 2-5.* Thus, the magnet 7 cannot be mounted to the lens holder 3. It is clear that Fujisawa cannot teach or suggest the feature of the magnet mounted on the lens holder as recited in claim 1. Indeed, Fujisawa actually teaches against this feature. This is sufficient to distinguish claim 1 from Fujisawa.

But in addition, claim 1 recites, in part “a focusing coil mounted on said base.” In the Office Action, the Examiner alleges that the support holder 9 as disclosed in Fujisawa is equivalent to the base as recited. However, it is clearly illustrated in Figures 2-4 of Fujisawa that the focusing coil 5 is actually mounted on the lens holder 3 and not on the support holder 9. Thus, Fujisawa fails to teach or suggest the feature of the focusing coil mounted on the base as recited.

Claim 1 further recites, in part “a tracking coil mounted on said base.” Again in Figures 2-4 of Fujisawa, it is clearly indicated that the tracking coils 6A and 6B are mounted on the lens holder 3 and not on the support holder 9. Thus, it is clear that Fujisawa cannot teach or suggest the feature of the tracking coil mounted on the base as recited.

Yet further, claim 1 recites, in part “a base having a support shaft that supports said lens holder so that said lens holder is ... rotatable about an axis parallel to said optical axis.” In the Office Action, the Examiner alleges that bobbin 31 is equivalent to the support shaft as recited. However, it is noted that bobbin 31 is actually a part of the lens holder 3 and not part of the support holder 9. Thus, contrary to the Examiner’s allegation, Fujisawa does not teach or suggest the feature of the base having the support shaft as recited.

In addition, Fujisawa discloses that the objective lens 2 is controlled to follow the recording track of the optical disk by the focusing control operation in a direction parallel to the optical axis and by the tracking control operation in a direction normal to the optical axis. *See col. 7, lines 40-44.* The two directions are illustrated in Figure 2 as direction F for focusing direction and direction T for tracking direction. *See also col. 11, lines 26-35.* It is seen that the two directions are normal to each other and linear. Thus, contrary to the Examiner’s allegation, the lens holder 3 cannot be rotatable.

For at least the above stated reasons, it is clear that claim 1 is distinguishable over Fujisawa. Claims 2, 6-9 and 11 depend from independent

claim 1 directly or indirectly. Accordingly, these dependent claims are also distinguishable over Fujisawa.

The dependent claims are also distinguishable on their own merits. For example, claim 2 recites, in part “wherein two said magnets are provided.” In contrast, Fujisawa only discloses a single magnet 7.

Applicants respectfully request that the rejection of claims 1-2, 6-9 and 11 based on Fujisawa be withdrawn.

§ 103 REJECTION - FUJISAWA, SUZUKI

Claims 3-5 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujisawa in view of Suzuki (USP 6,331,741). *See Office Action, item 6.* Applicants respectfully traverse.

Claims 3-5 and 10 depend from independent claim 1 directly or indirectly, and it is demonstrated above that claim 1 is distinguishable over Fujisawa. Suzuki is not relied upon to correct for at least the above noted deficiencies of Fujisawa. Therefore, claim 1 is also distinguishable over Fujisawa and Suzuki. Accordingly, claims 3-5 and 10 are also distinguishable over Fujisawa and Suzuki.

Further, Suzuki is actually directed toward an electric motor and not to a lens driving device. Therefore, Suzuki is not analogous to the invention as claimed and also is not analogous to Fujisawa. Therefore, there is no motivation to combine Fujisawa with Suzuki.

Yet further, contrary to the Examiner's allegation, Suzuki is silent whether the rotation shaft 1a (allegedly equivalent to the support shaft as recited) of the first rotor 1 is magnetized or not. *See claim 4.*

Yet further, since Suzuki is directed toward an electric motor, the hole of the first rotor 1 must be symmetrical so that the motor will rotate freely. An asymmetric rotation would renders Suzuki unsatisfactory for its intended purpose. Thus, contrary to the Examiner's allegation, Suzuki cannot teach or suggest the feature of the hole of the magnet having an asymmetric shape as recited in claim 4.

For at least the above stated reasons, applicants respectfully request that the rejection of claims 3-5 and 10 based on Fujisawa and Suzuki be withdrawn.

NEW CLAIMS

Claims 12-35 are added through this Reply. No new matter is presented. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicants respectfully request that the new claims be allowed.

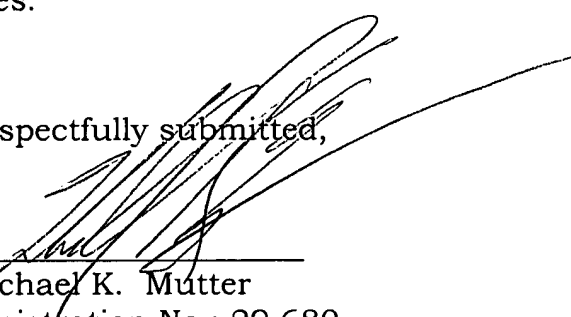
CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 22, 2006

Respectfully submitted,


By _____
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH
& BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Replacement Drawings
 Replacement Abstract


MKM/HNS/vd